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Raleigh's Neighborhood Planning Program and Conservation Zoning Districts

James W. Brantley

As we enter the next century, older neighborhoods are increasingly under influences that can alter their fundamental nature. Traffic and parking problems, infill pressures, changes in land use, turnover from home-ownership to rental, can all contribute to neighborhood evolution and even decline. Unfortunately, neighborhoods seldom have the opportunity to plan pro-actively for their futures; rather, contentious and emotional responses to particular, well-defined "threats" are the norm. Long-term trends go unconsidered and no policy direction is set. In addition, tools for neighborhood stabilization tend to be very limited.

Although many communities have neighborhood planning programs, there are only a handful of cities across the country that have developed neighborhood conservation overlay zoning districts. Raleigh's program is unique in that the particulars of each conservation district are determined through a rigorous, neighborhood participation-oriented planning process. The conservation district permits an unusual level of neighborhood self-determinism about its own zoning. It can also provide a means for neighborhood stabilization similar to local historic district zoning but less intrusive.

Raleigh historically has been reliant on state government, North Carolina State University, and other institutions for a large share of its economy. Development of Research Triangle Park in the 1950s shifted the area from blue-collar to white-collar jobs. The neighborhoods produced by these socioeconomic conditions tended to be quite stable. Several of the oldest neighborhoods, which are within walking distance of downtown, have survived urban renewal to become picturesque historic areas. Many middle-class suburbs with large wooded lots were developed surprisingly close to downtown ("inside the Beltline") through the 1950s and 1960s. In their quiet way, these neighborhoods are at the heart of the identity and desirability of Raleigh.

The City has grown at a steady, modest rate since its founding in the 18th century. By the mid-1980s, however, Raleigh was one of the fastest growing American cities. Infill development became quite common all over the City, and some of the older neighborhoods were subject to new development pressures. Two typical types of infill problems occurred during the 1980s and generated the discussion leading to the establishment of the neighborhood planning program and the neighborhood conservation overlay district. These development patterns, small lot and large lot neighborhoods, are illustrated here with the use of two mythical neighborhoods.

Small Lot Neighborhoods: Funky Bottom

The mythical neighborhood Funky Bottom was subdivided between 1900 and 1910 into lots that are much smaller than the current quarter-acre suburban standard. The development pattern is compact and pedestrian-oriented, with buildings set close to the street and some mixed-use, such as corner groceries. When zoning was established in this area in the 1940s, there was no small lot, detached residential zoning district. Funky Bottom was zoned with what has since come to be thought of as an apartment (typically garden apartment) zoning category. The rationale for such zoning was that the density was higher than in the standard quarter-acre subdivision. Over time, infill construction under the current apartment zoning has

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tended to change the character of the neighborhood. Single-family houses have been replaced with apartments, changing the neighborhood scale and context.

A wide mix of people live in Funky Bottom including elderly people, students, bohemians, and young professionals. Although most residents have grown accustomed to the large number of rental units in the area, a new, particularly massive apartment complex focused concerns that the neighborhood was changing beyond recognition. A fine old bungalow was demolished to allow access to the apartments, and the land the apartments were built on was composed of the former backyards of several other bungalows.

Large Lot Neighborhoods: Forest Woods

Many Raleigh neighborhoods from the 1940s to 1960s were developed with half acre or larger lots. Our other mythical neighborhood, Forest Woods, has large lots because these were stipulated in the original covenants and because the homes had individual septic systems prior to the availability of City services. Since there was no half-acre lot zoning category when Forest Woods was annexed, it was zoned for quarter acre lots. The houses in the neighborhood are modest brick ranch houses. The residents of Forest Woods are middle-class and mostly in their forties and fifties. The lots have become more valuable than the houses that occupy them and the covenants have lapsed. In a particularly controversial instance, rows of houses were bought up and the land was consolidated and resubdivided into quarter acre lots. The new houses were set much closer to the street to optimize the use of the new smaller lots, which cause the new houses to appear to be in the front yards of the older houses. This practice became increasingly frequent during the 1980s. Forest Woods and other similar neighborhoods are very desirable, affluent, and politically powerful, so demands for answers to this problem went straight to the City Council.

When the City Administration was charged by the City Council with the task of studying the situation and making recommendations about possible solutions, problems associated with older small lot and large lot neighborhoods were in the forefront. Certain underlying issues surfaced:

- Older neighborhoods have developed unique characteristics over their lifetimes.
- Development regulations such as zoning generally do not take an older neighborhood's unique character into consideration.
- Residents often have extremely diverse points of view about their neighborhoods, and some are very wary of change.
- Unique aspects of some neighborhoods should be perpetuated and not permitted to evolve into something else.

Given these findings, the problem then became how to implement the goal of perpetuating unique aspects of certain neighborhoods. The rest of this paper describes the formulation of the Neighborhood Conservation Ordinance and how it works, together with examples of four neighborhoods that have developed their own plans.

Crafting the Neighborhood Conservation Ordinance

The heart of the issue seemed to be the need for a zoning adjustment. Two possibilities were to designate more historic overlay zoning districts, or to create some kind of semi-historic overlay district that could be applied to newer areas or less architecturally pristine areas. Raleigh has several local historic districts, administered by the Historic Districts Commission, and the program is considered a success.

The historic district option, however, was deemed unworkable because of the extreme reluctance of many property owners to put themselves under the rigorous supervision of yet another layer of government. An additional level of bureaucratic review was not acceptable. Whatever zoning district was applied to these neighborhoods needed to be administered without additional reviews or subjective decisions.

The alternative was to develop a more flexible type of overlay district. Two types of Neighborhood Conservation Overlay Districts (NCODs), which were dubbed "NCOD 1" and "NCOD 2," were discussed. The district that was finally adopted was NCOD 1. The NCOD 2 designation would have been more stringent, something between NCOD 1 and the historic district, and likely would have been administered by the Historic Districts Commission. This NCOD 2 would have been the kind of conservation district in place in Nashville and other cities across the country, regulating major works such as building additions, but not regulating building materials or colors. In the ensuing years, the NCOD 2 has not been brought up again.

After considerable discussion, an ordinance creating a new overlay district with limited scope and strictly objective administration was proposed. The draft ordinance was prepared by the Planning Department and

the City Attorney under the guidance of the City Council's Comprehensive Planning Committee. From the first, the proposal was very controversial, with considerable opposition from developers, realtors, and landlords, who felt that the proposal over-regulated neighborhoods of the City that had always benefitted from "flexibility." The specters of intra-neighborhood feuds and massive staff increases were also raised. Not surprisingly, many neighborhood activists felt that the proposed ordinance did not go far enough. Some argued that they should be able legally to halt development proposals not to their liking. In spite of this controversy, the only aspect of the draft ordinance that was eventually dropped was a provision for an interim moratorium on subdivision and building permits in areas under consideration. Otherwise, the essential elements of the draft were adopted in the final ordinance. Each unique application of the overlay district would be the result of an intensive neighborhood-input planning process, with several assurances that the majority of the neighborhood supported the use of the conservation district. The aspects of the neighborhood that could be regulated by the district were limited and would be administered in a manner no more complicated than regular zoning. There was also a special allowance to prevent any existing lot or house from being made non-conforming by that overlay district.

The Neighborhood Conservation Overlay District was adopted in 1989, and since then nine neighborhood plans and nine conservation districts have been created. Two of the plans did not result in conservation districts, and two plans each resulted in two conservation districts. As of December 1994, four neighborhood plans were underway with another slated to begin in January 1995.

The Neighborhood Plan

Relationship to the Comprehensive Plan

Policy additions and changes are constantly undertaken in the form of Council-adopted Comprehensive Plan amendments. Twice a year, when Raleigh's Comprehensive Plan is physically updated, various adopted planning studies including neighborhood, corridor, and other small area plans, are inserted into the Comprehensive Plan. Neighborhood plans are by far the most detailed small area plans prepared.

The Planning Process

Neighborhood plans are initiated in one of two ways: by the neighborhood with authorization by the City Council, or by the Council acting on its own. In the first case, a representative of the neighborhood formally requests that the Council authorize the preparation of a plan. Sometimes a petition is circulated in the neighborhood as a show of support, but this is not required. In the second case, the City Council initiates a neighborhood plan on its own, if it feels that this level of study might resolve some issues in the area. Other boards or commissions, such as the Planning Commission or Historic Districts Commission, can request that Council authorize a neighborhood plan. There are no set criteria for the type of areas that can be candidates for neighborhood plans.

Once the project has been initiated, the project boundaries and a schedule are negotiated between the neighborhood, the Planning staff, and the Council. Representatives of the neighborhood express an interest in serving on the task force that will prepare the plan and a list of names is submitted to the Council for official appointment. Inclusiveness and diversity are sought in these appointments. The neighborhood planner assigned to the project works with the task force over a maximum of six months to produce the plan.

Because many of the neighborhood representatives have no experience dealing with municipal government, planning, or even committee work, the neighborhood planners stress a very structured, methodical planning process. Issues are identified, an inventory of existing conditions is produced, and then recommendations are formulated as goals, objectives, policies, and implementation strategies. At the beginning of the process, there is an initial community meeting to introduce the process and introduce the task force to the neighborhood. A list of issues is gathered during this meeting. Sometimes questionnaires are also used to help identify issues. The task force then holds a series of smaller public meetings. Experts from various fields, such as transportation, housing inspections, or parks, are brought in to answer questions and offer advice. On questions of land use and zoning, the neighborhood planner is available to discuss options, including the Conservation District. The task force hosts a second community meeting to unveil the draft neighborhood plan. Copies of the draft plan are mailed to all property owners in the area prior to this meeting. The culmination of this effort is a formal public hearing before the Council and Planning Commission.

For each neighborhood plan there are three mass-mailings to all property owners and up to a dozen public meetings. Emphasis is placed on getting sizable attendance at two community meetings and the final public hearing before the Council.

Required Plan Contents

The ordinance that created the Neighborhood Conservation overlay district stipulates these minimum contents of a neighborhood plan:

- Neighborhood history and evolution,
- Land use inventory,
- Description of housing: existing, new development, and maintenance,
- Inventory of built environmental characteristics, including house height, setbacks and location of main entrance, but not including roof pitch, architectural style, fenestration, building materials, colors, or vegetation,
- Lot size and configuration,
- Open space and recreation,
- Commercial development and revitalization,
- Circulation/transportation, and
- Capital improvement needs.

Neighborhood residents discuss their plan.

Inventorying built environmental characteristics and lot sizes and configuration is the most detailed and time-consuming task in plan preparation. The product, as presented to the task force, is a series of spread sheets of the data collected, the range, mean and median of the data, and descriptive graphs. In addition, staff prepares maps showing non-owner-occupied units, existing zoning non-conformities, and density. This information is then used by the task force in their decisions regarding possible zoning adjustments, including the Conservation District.

Enforcement, Implementation, and the Link to the Neighborhood Conservation Overlay District

Neighborhood plans form a broad policy direction for the future of the subject neighborhoods. The recommendations in neighborhood plans sometimes cover many subjects, and the implementation techniques are varied. Some topics, such as property maintenance beyond that required by the City Code, fall outside of the purview of the City and must be implemented through ongoing neighborhood activism. Unfortunately, this is not always forthcoming and many recommendations lie unimplemented. The most common neighborhood plan recommendations, however, apply to the transportation system and to zoning. Changes to the transportation system are most frequently requests for reduction of speed limits. These are referred to the City`s Transportation Department for implementation. In every neighborhood plan to date, the task force has recommended modifications to the zoning of the neighborhood. Because the existing zoning often allows a significant increase in residential density, some form of down-zoning is usually pursued by the task force to prevent changing the character of the neighborhood. The conservation district can be used for zoning modifications without creating the nonconformities that make other zoning changes so controversial.

Staffing and Budget

The Raleigh Planning Department currently has six divisions: Administration, Zoning, Site Plans and Subdivisions, Planning Services, Economic Development, and Development Planning. The Development Plan-

ning division prepares Comprehensive Plan amendments, including neighborhood plans. There is a district planner assigned to each of four sectors of the City and three additional floating planners who are not assigned to any particular geographic areas. Each district planner is either the project manager of neighborhood plans in his or her district, or works with one of the floating planners who acts as project manager. In the prior staffing arrangement, there was one neighborhood planner and a small pool of staff to assist. Because of the increase in requests for neighborhood plans and the need for a contact person for each sector of the City, staff assignments were re-configured in 1994.

There was an initial budget allocation for neighborhood planning, but after two years this money was not used and was taken from the budget. Varying portions of the salaries of seven staff people go to neighborhood planning, as do some charges for GIS (geographic information systems) time. The neighborhood plans are reproduced in-house as black and white photocopies, so printing costs are part of the general photocopying budget. The final documents are printed in the format of the rest of the Comprehensive Plan, so no special presentation document is made.

The Conservation District

The Conservation District was created to allow neighborhoods the opportunity to identify and perpetuate certain aspects of their neighborhood's development. The ordinance that created the Conservation District set these criteria for the application:

- The area must have begun development at least 25 years prior to filing for the Conservation District designation,
- The area must be at least 15 acres in size, or be an extension of an existing Conservation District,
- The area must be at least 75% developed, and
- The area must possess a distinctive character.

The aspects of the neighborhood that can be regulated by the Conservation District are limited to lot size and width, front yard and side yard setback, building height, main building entrance location, and widths of rights-of-way and greenways.

A rezoning request for NCOD may be filed at the beginning of or during the preparation of the neighborhood plan, but the actual regulations cannot be inserted into the rezoning request until after they have been determined by the task force. The rezoning request is usually filed by the task force. The City Code requires that a majority of the property owners in the neighborhood sign the rezoning petition. Although the task force, which usually has to go door-to-door to collect signatures, hates this part of the process, strong community support is the result. The City itself can also file the rezoning request. This has only happened in neighborhoods that have low owner-occupancy rates after the neighborhood plan has been adopted by the Council. In such cases, the signatures of a majority of property owners are not required.

A particularly attractive feature of the Neighborhood Conservation District is that it does not create any new non-conformities. The regulations apply only to new subdivisions and construction. A common question is, "If my house burns down, and is in a conservation district, but doesn't meet the regulations of the conservation district, can I rebuild it?" Judging from the frequency of this question, one would think that Raleigh has many more house fires than it does. The answer is that if less than half of the value of the house is destroyed, the house may be rebuilt with no additional requirements; if more than half of the value is destroyed, a variance from the Board of Adjustment will be required.

Four Neighborhood Plans and Conservation Districts

Runnymede Road

This unique neighborhood was the first to request a neighborhood plan. The road, which is very narrow and winding, roughly parallels a small creek. The lots are quite large and wooded, and the houses are relatively small and unostentatious, blending into the woodland context. Several of the houses, which mostly date from the 1950s and 1960s, were designed in the modern style by local architects and are of some architectural interest. The residents are well educated and many teach at North Carolina State University. Adjacent to Runnymede Road is the site of a small lake that was drained to allow construction of several large houses of Williamsburg and Charleston revival styles. This type of construction was spreading into adjacent older neighborhoods. In fact, this neighborhood was one of the most active tear-down and infill areas in the City. Lots at the end of Runnymede Road adjacent to the drained lake site were recombined, two houses torn down, and four large new houses were constructed

much closer to the street than the surrounding houses. On these new lots, many large trees were removed and the creek was channelized.

A broad spectrum of Runnymede residents were alarmed about the potential for more of this kind of development. They asserted that their neighborhood had a unique character that was worth preserving in the face of development pressures to the contrary. Several community and task force meetings were held over a six month period, and one of the developers of the new houses was active on the task force. The task force exercised a strong leadership function and gained the confidence of the neighborhood. The neighborhood plan recommended the creation of a neighborhood conservation district based on the actual subdivision and building pattern and expired covenants. The task force also felt that very large houses should be set further back on their lots. Consequently, a graduated setback based on house height was included in the conservation district regulations. Much time was spent during the planning process on issues which cannot be effectively dealt with in the Comprehensive Plan. For instance, because existing parking areas were considered unsightly, a prototype was designed and included in the plan. The prototype has never been used and cannot be enforced.

Considering that this was the first neighborhood plan and the first Conservation District, there was surprisingly little interest from the neighborhood about the whole project. Because of the controversy surrounding the original neighborhood planning and conservation district ordinance and the specter of neighbor against neighbor fights, all parties involved were glad and a little amazed that neighbors, along with the local developer, could go through this process and still be speaking to each other a year later. In the ensuing years, a lot split has been approved and a new house built under the Conservation District regulations, but the invasion of the "Williamsburgers" has ended.

South Park

South Park is one of the venerable African-American neighborhoods located just east of downtown Raleigh. Portions of the area are included in a National Register Historic District, but neighborhood opposition blocked an attempt to make the area a local historic district. The area is bisected by a major thoroughfare that was just a neighborhood street in the past. When a corridor plan was prepared for this roadway, so many neighborhood issues arose that a neighborhood plan was recommended as a follow-through.

The area began development around the turn of the century and was marketed as an opportunity for African-Americans to own their own homes. The street network is a continuation of the downtown grid, and the lots are relatively small. South Park had a mix of middle- and working-class families up through the 1960s, but since then the area has become poorer. Most houses eventually shifted from owner-occupancy to rental. Now approximately 80% of properties are non-owner occupied or vacant. The original zoning allowed twenty units per acre and permitted the construction of apartment buildings sprinkled throughout the neighborhood. In one particularly controversial and conspicuous infill project, a single family house was replaced with a one story four-plex set sideways on a narrow, deep lot. Entrances to the apartments are located off the narrow walkways separating this apartment building from the adjacent single family houses. The front yard setback, per the zoning requirements, is about fifteen feet deeper than that of the adjacent houses, conveniently allowing a front yard parking lot. An array of utility boxes is the only relief for the street facade, which is painted a brilliant blue. Many residents of the area, particularly those who worked on the National Register nomination, were very alarmed by what they saw as the steady replacement of older single family houses with incongruous four-plexes.

The City Council initiated the South Park Neighborhood Plan, and the task force was appointed from among volunteers who came forward at a well attended community meeting. Most of the task force members were older residents who were particularly interested in re-establishing the neighborhood fabric they had known in the past. The development of the plan went slightly over schedule due to the difficulty in reaching a consensus on the task force. Many of the issues were of a social and economic nature and could be addressed only indirectly by the Comprehensive Plan. The task force did, however, feel that the Conservation District would be effective in preserving some aspects of the physical environment.

The South Park Conservation District defines a maximum and a minimum lot size. The underlying twenty units per acre zoning was not changed. The effect of the maximum lot size in combination with the underlying zoning is to limit the size of new apartment buildings to three units. New buildings are required to be set closer to the street than would be allowed in the underlying zoning. The zoning case was filed by the City and was approved with no opposition.

Roylene Acres

Developed in the 1950s and 1960s with one story

Questionable infill in the South Park neighborhood.

brick ranch houses on quarter-acre to half-acre lots, Roylene Acres is similar to dozens of other Raleigh neighborhoods. Many of the residents moved into Roylene Acres as part of the wave of in-migration brought about by the development of Research Triangle Park in the 1950s. The neighborhood is in transition, with a number of new young families moving into an area composed primarily of homeowners aged sixty and above. The older long-term residents are particularly concerned about possible changes in the neighborhood. This single family neighborhood is surrounded by higher density developments, including an extensive apartment area patronized by North Carolina State University students. Although the original covenants are still in effect and the neighborhood is zoned for four dwellings per acre, a constant concern in the neighborhood is the potential for encroachment of apartments into the neighborhood. This is despite the fact that a hotly contested and probably infeasible zone change would be required to permit apartments.

A development proposal to construct townhouses across the street from Roylene Acres instigated neighborhood interest in establishing a Conservation District on this adjacent undeveloped land. The neighborhood petitioned the City Council for a neighborhood plan, and proposed that the plan area boundaries include the townhouse site. The City Council authorized the neighborhood plan, but excluded the contested property from the plan area. The task force had to shift its concern to the neighborhood itself. At first, the task force was very concerned with enforcing certain standards of property upkeep and appearance, including painting, landscaping, grass cutting, on-site parking, and outdoor storage. When they learned that the Comprehensive Plan cannot address such issues, they finally recommended a neighborhood conservation district that simply codified several restrictions found in their covenants.

Mordecai

Mordecai is one of the neighborhoods that ring downtown Raleigh. It is named after the Mordecai House, an early 19th century plantation house that is one of the landmarks of the area. Mordecai is located to the north of historic Oakwood, but does not have the extensive stock of renovated historic houses found in that district. Mordecai has a mix of housing types, ranging from mansions to small Victorian cottages. In general, the eastern area has smaller lots and smaller houses set close to the street while the western area has larger lots and a wider range of setbacks. Adjacent to the neighborhood on the west are extensive railroad yards, a dilapidated mill building, twelve acres of overgrown vacant land, and one of Raleigh's largest, oldest public housing facilities. The area is zoned for ten dwellings per acre, and several infill apartment complexes of different sizes have been built over the past twenty years.

A number of elderly, long-term residents are very active in civic affairs and an influx of young professional people has brought about an even higher degree of neighborhood activism. As a result, representatives of the neighborhood requested that a neighborhood plan be prepared for their area. The boundaries of the study were initially disputed, some feeling that the study area should be much larger than staff originally proposed. An area was finally selected on the criteria that it developed primarily before World War II. When volunteers for a task force were solicited at the first community meeting, over twenty people came forward. As this was an unworkable number, the City Council selected a dozen task force members to

represent the various portions of the plan area.

The neighborhood plan was prepared over a six month period. Because of the level of interest and education of the task force, the process was very rigorous and the final product was carefully conceived. The task force recommended a rezoning package that included three elements:

- A downzoning from ten dwellings per acre to six dwellings per acre, with use limited to one or two dwellings on a single lot in selected areas,
- A Neighborhood Conservation Overlay District tailored to the eastern area with its smaller lots and smaller setbacks, and
- A separate Neighborhood Conservation Overlay District with larger setbacks tailored to the western portion of the plan area.

The neighborhood plan also recommends that an eligibility study for local historic district designation be prepared. If the area were designated a historic district, there would be two overlay districts on several properties. This would probably not lead to any administrative problems since the conservation district regulations are as objective as those of the other zoning categories with which the Historic Districts Commission deals. Changes to the parks and greenways system and the pedestrian circulation network were also recommended, as well as a comprehensive transportation study. Given the persistence of the residents, these recommendations will probably be pursued until implemented.

Conclusion

Because of the manner in which the neighborhoods are selected for neighborhood plans, no prioritizing of neighborhoods by need or eligibility has developed. Consequently, some neighborhoods with lesser needs have been the subject of neighborhood plans and conservation districts while areas of greater need go without. In some parts of town, an initial conservation district has caused interest in surrounding neighborhoods. These have then requested their own neighborhood plans and conservation districts, as if saying, "We don't exactly know what we are asking for but we want one too." This could lead to Conservation Districts covering extensive parts of the City, including many neighborhoods that are not very unique. Recent legislation that requires expensive advertising for the rezoning of many properties at once, such as for the conservation and other overlay districts, may bring about a more careful application of the conservation district.

One of the most stimulating aspects of the neighborhood planning process is its educational function. The staff learns about the neighborhood while the task force learns more about the function of local government. At the beginning of the planning process, many neighborhood representatives are poorly informed about the roles and limitations of the various levels of government and about the workings of the development market. There is also less interest in long-range planning than in short-term irritations, such as barking dogs or the motorcycle parked on a neighbor's front porch. Interestingly, in spite of often vocal opposition to City intervention, there is a desire for the City to silence those dogs and remove that motorcycle. By the night of the public hearing, however, many misconceptions have been lifted and all involved are exhausted but satisfied. A common comment is that the neighborhood has gotten something for its tax dollars.

The Neighborhood Conservation Overlay District has been successful in addressing the discrepancy between zoning and build-out in some of Raleigh's older neighborhoods. Many neighborhoods that are truly unique and contribute positively to the City as a whole have been stabilized by neighborhood planning and the conservation district. The program has been quite successful and has come to receive support from several of its initial detractors. The combination of neighborhood-based planning and neighborhood conservation zoning has been very effective. The program has been described in an edition of "Zoning News," as well as a Planning Advisory Service report entitled "Innovative Tools for Historic Preservation." An upcoming PAS report on neighborhood planning will also feature the program. CP